

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

ROSS DOWNING, :  
Plaintiff, : Case No. 3:05CV328  
: vs. : District Judge Walter Herbert Rice  
RED LOBSTER, : Magistrate Judge Sharon L. Ovington  
Defendant. :  
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**DECISION AND ENTRY ADOPTING SUPPLEMENTAL REPORT AND  
RECOMMENDATIONS FILED ON FEBRUARY 21, 2007 (Doc. #25); GRANTING  
DEFENDANT'S MOTION TO DISMISS (Doc. #9); DISMISSING WITHOUT PREJUDICE  
PLAINTIFF'S AMENDED COMPLAINT (Doc. #4); AND TERMINATING THE CASE ON  
THE DOCKET OF THIS COURT**

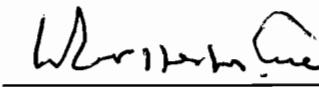
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The Court has conducted a de novo review of the Supplemental Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #25), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Supplemental Report and Recommendations.

It is therefore **ORDERED** that:

1. The Supplemental Report and Recommendations filed on February 21, 2007 (Doc. #25) is ADOPTED in full;
2. Defendant's Motion to Dismiss (Doc. #9) is GRANTED;

3. Plaintiff's Amended Complaint (Doc. #4) is DISMISSED without prejudice; and
4. The case is terminated on the docket of this Court.



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Walter Herbert Rice  
United States District Judge